

AMENDED IN ASSEMBLY MAY 14, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2500**

**Introduced by Assembly Member Corbett**

February 21, 2002

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An act to amend Section 798.86 of, and to add Section 798.89 to, the Civil Code, relating to mobilehome ~~park residences~~ *parks*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as amended, Corbett. Mobilehome ~~park residences~~ *parks*: actions.

Existing law, the Mobilehome Residency Law, regulates the terms and conditions of mobilehome park tenancies. The Mobilehome Residency Law requires that in an action to enforce its provisions, the prevailing party shall be entitled to reasonable attorney's fees and costs and, if a homeowner or former homeowner of a park is the prevailing party, as specified, the homeowner, in addition to damages afforded by law, may be awarded an amount not to exceed \$2,000 for each willful violation by park management.

This bill would provide that the award of \$2,000 for willful damages is in addition to any general damages or punitive damages otherwise afforded by law. *The bill would provide that a prevailing homeowner or former homeowner awarded punitive damages may not also recover this statutory penalty.* This bill would also require that, *except pursuant to specified provisions*, any action arising out of the Mobilehome Residency Law be filed in the county in which the mobilehome park is located, regardless of whether the action is related to other causes of action that could be filed elsewhere.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 798.86 of the Civil Code is amended to  
2 read:

3 798.86. ~~In the event~~ (a) If a homeowner or former  
4 homeowner of a park is the prevailing party in a civil action,  
5 including a small claims court action, against the management to  
6 enforce his or her rights under this chapter, the homeowner, in  
7 addition to any general damages or punitive damages otherwise  
8 afforded by law, may, in the discretion of the court, be awarded an  
9 amount not to exceed two thousand dollars (\$2,000) for each  
10 willful violation of this chapter by the management.

11 (b) A homeowner or former homeowner who is the prevailing  
12 party in an action described in subdivision (a) who is awarded  
13 punitive damages may not also recover statutory penalties under  
14 subdivision (a).

15 SEC. 2. Section 798.89 is added to the Civil Code, to read:

16 798.89. ~~Any~~ Except upon a motion pursuant to Section 397 of  
17 the Code of Civil Procedure, an action arising out of the provisions  
18 of this chapter shall be filed in the county in which the mobilehome  
19 park is located, regardless of whether the action is related to other  
20 causes of action that could be filed elsewhere.

